

REMARKS/ARGUMENTS

The claims are 1-2, which have been rejected on the basis of the prior art. Specifically, claim 1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *U.S. Patent No. 6,161,254 to Montagner* in view of *U.S. Patent No. 6,505,933 to Schuchard et al.* The remaining claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Montagner and Schuchard et al.* and further in view of *U.S. Patent No. 6,152,562 to Montalban.*

This rejection is rejection is respectfully traversed and reconsideration is expressly requested.

In the response to the arguments presented in Applicant's Amendment filed November 6, 2008, the Examiner has taken the position that the housing 1 of the primary reference to *Montagner* discloses two bores -- separated from each other by the anchor rod 3 -- for accommodating the two helical springs 6. It is respectfully submitted that the Examiner's position is unfounded. The housing 1 of *Montagner* forms mainly an open tub into which anchor rod 3 and springs 6 are inserted from above. Of course,

spaces for accommodating the helical springs 6 form between the longitudinal housing walls and the anchor rods 3, but it is respectfully submitted that these spaces within an open tub cannot be considered bores as recited in Applicant's claim 1. A bore, necessarily, has an axial opening -- which is missing in *Montagner* -- because the helical springs are not inserted into the housing tub in an axial direction but rather are inserted into the housing in a radial direction through the tub opening.

Although the secondary reference to *Schuchard et al.* shows an insertion of the anchor rod 8, with the helical spring 10 surrounding the anchor rod 8, into a housing bore 2, i.e. in an axial direction, it is respectfully submitted that *Schuchard et al.* teaches a basically different construction than *Montagner*. If one were to transfer the teaching of *Schuchard et al.* to *Montagner*, then first the anchor rod 3 with the helical springs 6 and a locking element stored on the anchor rod 3 would have to be combined into one building unit, which then is inserted in the front side-open housing 1 in an axial direction, in order to lock the locking element within the housing, which is not the purpose of Applicant's spring hinge as recited in claim 1 in which the helical springs 10 are inserted into separate housing bores which

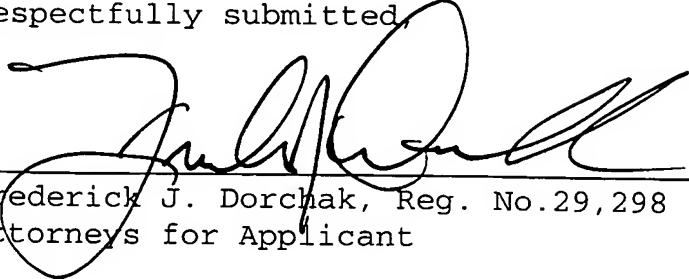
are open only opposite the housing opening 5 for the fixture rod 7 in order to make room for the transversal bar 8 of the fixture rod 7. Thus, it is respectfully submitted that neither *Montagner* nor *Schuchard et al.*, alone or in combination can render obvious Applicant's spring hinge as recited in claim 1.

The remaining reference to *Montalban*, which has been cited with respect to claim 2, has been considered but is believed to be no more relevant. *Montalban* simply discloses an elastic hinge for eyeglasses having an annular locking element 24, which can be threaded from the free end of the temple 11 and can slide freely along the smaller region 32 of the temple 11. There is no disclosure or suggestion in *Montalban* of a spring hinge for spectacles having the structure recited in Applicant's claim 1 or the benefits achieved by that structure.

Accordingly, it is respectfully submitted that the claims are patentable over the cited references.

In view of the foregoing, withdrawal of the final rejection and allowance of the claims are respectfully requested.

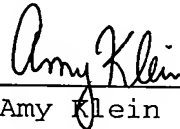
Respectfully submitted,



COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
FJD:djp

Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicant

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 8, 2009.



Amy Klein

R:\Patents\B\BUCHEGGER-1 PCT\Amendment 5-09.wpd